IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO.1362 OF 2007

Ramniklal Chavan and
Anr. ..Petitioners
Vs.
State of Maharashtra & Anr. ...Respondents

...

Mr.Ghanshyam Upadhyay Advocate for Petitioners

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CORAM: SMT.V.K.TAHILRAMANI,J.
DATE : DECEMBER 5, 2007

P.C.

1. Heard the learned advocate for the petitioners.

2. The petitioners are seeking quashing of prosecution against them in C.C. No.7/C/1999 pending before the learned Metropolitan Magistrate, 49th Court at Vikhroli, Mumbai. In the said, case process came to be issued under Section 420 read with Section 34 of IPC. As the case has reached the stage only where process has been issued against the parties, the purpose of the petitioners would be served if the said process is quashed.

3. For the reasons recorded in the order passed by this Court in the case of **V.K.Jain Vs. P.V.Padode; 2005(3) Mh.L.J.778,** which has been upheld by the

Hon'ble Apex Court, I am of the opinion that the petitioners have an efficacious remedy of preferring revision against the order of Magistrate issuing process. Hence, in my view, it would be appropriate that the petitioners prefer a revision before the concerned Sessions Court against the order of the Magistrate issuing process.

4. Liberty is granted to the petitioners to prefer the necessary revision before the concerned Sessions Court. The learned advocate for the petitioners makes a statement that the necessary revision will be preferred within six weeks from today. In view of this statement, the trial Court shall not proceed with the trial for a period of six weeks.

5. On the necessary revision being preferred by the petitioners before the concerned Sessions Court, the concerned Sessions Court shall dispose of the matter on merits after hearing the necessary parties.

6. Writ Petition is disposed of.

[SMT. V.K.TAHILRAMANI,J.]